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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 TERILOGY CO., LTD.,
 16 Plaintiff,
 17 v.
 18 GLIMMERGLASS NETWORKS, INC.,
 19 Defendant.

Case No. 3:08-cv-03364 EMC

**[PROPOSED] ORDER GRANTING
 DEFENDANT'S MOTION TO DISMISS
 PURSUANT TO RULE 12(B)(6) AND
 ACCOMPANYING REQUEST FOR
 JUDICIAL NOTICE**

Date: October 15, 2008
 Time: 10:30 A.M.
 Dept: Courtroom C, 15th Floor
 Judge: The Honorable Edward M. Chen

Complaint Filed: July 11, 2008
 Trial Date: None Set

1 Defendant Glimmerglass Networks, Inc.'s ("Defendant") Motion to Dismiss Pursuant to
2 Rule 12(b)(6) and accompanying Request for Judicial Notice came on regularly for hearing
3 before this Court on October 15, 2008, at 10:30 A.M., in Courtroom C, 15th Floor. Both
4 Defendant and plaintiff Terilogy Co., Ltd. ("Plaintiff") were represented by counsel. After full
5 consideration of the briefs in support and in opposition thereto, all other papers submitted in
6 connection therewith, all other matters on file in this action and presented to the Court, and
7 having heard the arguments of counsel,

8 IT IS HEREBY ORDERED that:

- 9 1. The Court will take judicial notice of "Exhibit B: Territory," attached to the Parties'
10 Distribution Agreement entered into on or about February 9, 2006 (and filed as Exhibit A
11 to Defendant's Request for Judicial Notice); and
12 2. Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) is **GRANTED**, and the First,
13 Second, Fourth and Fifth Causes of Action of Plaintiff's Complaint are **DISMISSED**.

14 IT IS SO ORDERED.

15
16 Dated: _____, 2008

17 _____
18 Hon. Edward M. Chen
19 United States Magistrate Judge

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